

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MICHAEL WHITFIELD,

Petitioner,

v.

NETHANJAH BRUTENBACH,

Respondents.

Case No. 3:23-cv-00305-ART-CLB

ORDER

Petitioner Michael Whitfield, a *pro se* Nevada prisoner, has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254, but he did not pay the \$5 filing fee or submit an IFP application.

On July 7, 2023, the Court instructed Petitioner to either pay the standard \$5.00 filing fee or file an IFP application. ECF No. 3. The Northern Nevada Correctional Center law library has returned the Court’s order sent to the last institutional address Petitioner provided with a notation indicating that he is no longer at the institution and has been transferred to High Desert State Prison (“HDSP”). See Returned Mail NEF (ECF No. 4). The inmate search tool on the Nevada Department of Corrections’ (“NDOC”) website also reflects that Petitioner is now incarcerated at HDSP.

The Local Rules of Practice require all parties, including habeas petitioners, to immediately file with the court written notice of any change of address. LR IA 3-1. The Local Rules also warn that failure to comply may result in dismissal of the action, with or without prejudice, or other sanctions as the court deems appropriate. *Id.* Within 45 days of this order Petitioner must file with the Court

1 written notice of his change of address.

2 The Court instructs the Clerk of Court to send a one-time courtesy copy of  
3 this order and a blank form IFP application for incarcerated litigants along with  
4 instructions to Petitioner Michael Whitfield, identification number 1215111, at  
5 High Desert State Prison. The Court will, *sua sponte*, grant Petitioner an  
6 extension of time to either pay the filing fee or file an IFP application.

7 Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of  
8 Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district  
9 court. The Court may authorize an indigent prisoner to begin a habeas action  
10 without paying the \$5 fee if he or she submits an IFP application on the approved  
11 form and includes three specific documents: (a) the prisoner's financial  
12 declaration and acknowledgement showing an inability to prepay fees and costs,  
13 (b) a financial certificate signed by the prisoner and an authorized prison official,  
14 and (c) a copy of the prisoner's account statement for the six-month period prior  
15 to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

16 Petitioner will have 45 days from the date of this order to either pay the \$5  
17 filing fee or submit a complete IFP application with all required documentation.

18 It is therefore ordered that the initial screening of the Petition for Writ of  
19 Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is  
20 deferred to until such time as he has fully complied with this order.

21 The Clerk of Court is instructed to send Petitioner a blank form IFP  
22 application for incarcerated litigants along with instructions, and a copy of this  
23 order to Petitioner Michael Whitfield, identification number 1215111, at High  
24 Desert State Prison.

25 It is further ordered that, within 45 days of the date of this order, Petitioner  
26 must file an IFP application that includes a: (a) financial certificate signed by  
27 Petitioner and an authorized prison official, (b) financial declaration and  
28 acknowledgement signed by Petitioner, and (c) copy of Petitioner's inmate

1 account statement for the six-month period prior to filing. Alternatively,  
2 Petitioner must pay the \$5 filing fee within 45 days of the date of this order. If  
3 Petitioner decides to pay the filing fee from his inmate account, he must arrange  
4 to have a copy of this order attached to the check for the filing fee.

5 It is further ordered that within 45 days of this order Petitioner must file  
6 written notice of his change of address.

7 It is further ordered that Petitioner's failure to comply with this order within  
8 45 days by either submitting a complete IFP application, or paying the filing fee  
9 will result in the dismissal of this action without prejudice and without further  
10 advance notice.

11 DATED THIS 10<sup>th</sup> day October 2023.

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14 ANNE R. TRAUM  
15 UNITED STATES DISTRICT JUDGE  
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